

1
2 UNITED STATES DISTRICT COURT

3 DISTRICT OF NEVADA

4 DAVID JERRY PAULE,

5 Plaintiff,

6 v.

7 BOB FAULKNER, *et al.*,

8 Defendants.

Case No. 2:20-cv-01362-GMN-DJA

ORDER

9
10 This action is proceeding on a pro se civil rights First Amended Complaint filed
11 pursuant to 42 U.S.C. § 1983 by David Jerry Paule, a state prisoner. ECF No. 6. On May
12 13, 2021, the Court issued an order permitting Plaintiff's claim of deliberate indifference to
13 serious medical needs to proceed against Defendants Calvin Johnson, Monique
14 Hubbard-Pickett and John "Bob" Faulkner. ECF No. 10. Given the nature of the claim
15 the Court permitted to proceed, the Court stayed the action for 90 days to allow Plaintiff
16 and Defendants an opportunity to settle their dispute before the \$350.00 filing fee is paid,
17 an answer is filed, or the discovery process begins. *Id.* at 2. The Court further provided
18 that any party could, within 21 days of the order, move to exclude this case from
19 mediation. *Id.*

20 The defendants timely moved to exclude this case from mediation (ECF No. 11)
21 and, after discussions with Plaintiff, have filed an unopposed motion (ECF No. 12) to
22 vacate their motion to exclude. Nevertheless, in the latter motion, Defendants have
23 indicated that the parties have "agreed that, because of their excellent working
24 relationship, there is no need to waste court resources on third-party intervention, they
25

1 should not proceed to early mediation and instead jointly request a status check regarding
2 submission of a settlement agreement concurrent with the" Attorney General's duty to file
3 the 90-day report that typically follows mediation. ECF No. 12 at 2.

4 Accordingly,

5 THE COURT **ORDERS** that Defendants' Unopposed Motion to Vacate Defendants'
6 Motion to Exclude Case from Mediation (ECF No. 12) is GRANTED.

7 THE COURT FURTHER **ORDERS** that Defendants' Motion to Exclude Case from
8 Mediation is DENIED without prejudice.

9 THE COURT FURTHER **ORDERS** that the Office of the Attorney General shall file
10 a report regarding the status of a settlement agreement **both** 45 days from entry of this
11 order and again concurrent with the Attorney General's existing duty to file a 90-day
12 report.

13 THE COURT FURTHER **NOTIFIES** the parties that, at this time, this case will not
14 be referred to the Court's Inmate Early Mediation Program. The Court does so to allow
15 the parties an opportunity to resolve this matter without third-party intervention. However,
16 the Court reserves its decision whether to refer this case to the Inmate Early Mediation
17 Program if the parties do not reach a settlement.

18
19 DATED this 8th of June 2021



Daniel J. Albregts
United States Magistrate Judge